

From: Mark Plimley
To: Microsoft ATR
Date: 1/28/02 3:23am
Subject: Microsoft Settlement

Dear Sirs,

As a software engineer and computer professional for over 25 years, I believe that I am fully qualified to comment in the public interest regarding the proposed Microsoft Anti-trust settlement.

I have followed the proceedings against Microsoft throughout the trial and post-trial period. It continues to amaze me the audacity with which the Microsoft Corporation and its' lawyers have flagrantly ignored anti-trust law.

I feel that one must judge a corporation as one would judge an individual, by its actions, not by its words and promises. Actions, not words, reflect the true nature of a group or individual. Microsoft continues to display disrespect for the laws of our nation. The most recent example of this is their extremely narrow interpretation of the Tunney Act disclosure requirements, violating the intent of the law.

To this day, Microsoft Corporation refuses to accept responsibility for its anti-competitive actions. When an individual, or in this case an organization, refuses to correct their anti-social behavior despite repeated warnings, then society must act to prevent such behavior from re-occurring in order to protect itself.

The DOJ must not back down, for the sake of the public and the software industry. Microsoft's claims that severe reprimands and restrictions would hinder competition is completely absurd. The only hope that the software industry has for any semblance of competition is to establish stringent and enforceable restrictions on any and all future anti-competitive practices by the Microsoft monopoly. The settlement that allows Microsoft to donate software and (old) computers to schools will only serve to increase their influence over the marketplace. This is exactly what Microsoft intends, and must be firmly rejected.

The only type of settlement that should be considered is one that genuinely promotes competition in the marketplace. As Microsoft has clearly shown that they cannot be trusted to act in the interest of anyone except themselves, I believe that a valid settlement can only come from those in the industry who have been harmed by Microsoft's anti-competitive behavior as a monopolist. If Microsoft want to donate computers and software to schools, it must be in the form of money without any restrictions whatsoever. The recipients of the funds must have total control over what they purchase.

With ample evidence that their word cannot be trusted, it would be irresponsible for the DOJ to consider any Microsoft claim of harm to the industry if real sanctions were to be imposed upon its illegal business practices. The DOJ must not back down on the demand for real and effective reform of known monopolist business practices. There is plenty of potential competition that will keep the software industry healthy, despite any short-term setback by Wall Street gamblers.

So I urge the DOJ, for the sake of the future of the software industry and the people of the United States that you represent, to insist on effective corrections to the long-standing anti-competitive practices. And I do not believe Microsoft will respond to the seriousness of their business practices with anything except harsh punishment. With \$65 billion in cash reserves, any reasonable punishment will have little impact on their future. And any damage to their stock will easily recover in short order. The DOJ must maintain the long-term interests of the public ahead of any short-term harm to investors of an irresponsible corporation.

Sincerely,

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